

Attorney Docket No. RO0208US (#90568)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert Klein, Reinhold Meconi, Walter Müller
Serial No. : 09/720,287
I.A. Filing Date : June 8, 1999
Title : TRANSDERMAL THERAPEUTIC SYSTEM CONTAINING
HORMONES AND CRYSTALLIZATION INHIBITORS
Attorney File : RO0208US (#90568)
Box PCT
Commissioner for Patents
Washington, D.C. 20231

RECEIVED

23 MAY 2001

Legal Staff
International Division

COMPLETION OF MISSING REQUIREMENTS

I. (X) This replies to the office letter dated February 12, 2001.

(X) A copy of the Notice of Missing Requirements is enclosed.

EXTENSION OF TIME

II. Enclosed is a (check either (a) or (b), as applicable)

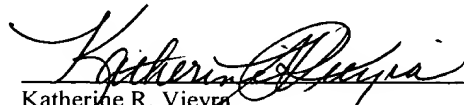
- (a) (X) Petition and fee for extension of time
(b) () Conditional petition and fee for any extension
of time which may be required

WARNING: Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail **unless** a request or petition for extension is also filed. (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

EXPRESS MAIL CERTIFICATE

I hereby certify that the paper(s) identified above, and any noted as being attached, is being deposited with the United States Postal Service as Express Mail Label Number EL148508038US, postage prepaid, on the date indicated below and addressed: Box PCT, Commissioner for Patents, Washington, DC 20231.

Date: May 10, 2001


Katherine R. Vieyra
(Signature of person mailing paper)

DECLARATION OR OATH

- III. ☒ No original declaration or oath was filed and enclosed is the original declaration or oath for this application.

OR

- ☐ The original declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor **and** (1) serial number (2) attorney docket number which was on the application as filed and the filing date (3) title of the invention and filing date (4) title of invention and reference to a specification which is attached to the declaration at the time of execution and filed with the declaration or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date; such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☒ Statement by a registered attorney that the application filed in the PTO is the application which the inventor(s) executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

AMENDMENT CANCELING CLAIMS

- IV. () Cancel claims ____ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

- V. () Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- (X) Attached is a Response to Notice of Defective Translation by a registered attorney that the English translation of the application mailed to the PTO on December 22, 2000 is a true and correct translation of the original international application, PCT/EP99/03922.

FEES

- VI. **WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 CFR 1.53(d).

NOTE: The filing fees, fees for claims and surcharge fees listed below in items 1,2 and 3 are reduced by 50% where proof of a small entity status is established on or before the date the fee is paid. If the full fee was paid by a verified statement is filed within 2 months of the date of timely payment of a fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

1. Filing Fee

- () original patent application (37 CFR 1.16(a) -\$710.00;
Small entity - \$355.00 \$
- () design application (37 CFR 1.16(f) -
\$320.00; small entity - \$160.00) \$

2. Fees for claims

- () each independent claim in excess of 3 (37 CFR 1.16(b) -
\$80.00; small entity - \$40.00) \$
- () each claim in excess of 20 (37 CFR 1.16(c) -
\$18.00; small entity - 9.00) \$
- () multiple dependent claim(s) (37 CFR 1.16(d) -
\$270.00; small entity -\$135.00) \$

3. Surcharge fees

- () late payment of filing fee and/or
(X) late filing of original declaration or oath
(37 CFR 1.16(e) - \$130.00; small entity - \$65.00) \$ 130.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers the surcharge fee is required.

NOTE: If both the filing fee **and** declaration or oath were missing from the original papers only one surcharge fee for both need be paid. 37 CFR 1.16(e).

4. () Petition fee for filing by other than all the inventors or a person
not the inventor (37 CFR 1.17(h) and 1.47 - \$130.00) \$
5. () Fee for processing an application filed with a specification in a non-
English language (37 CFR 1.17(k) and 1.52(d) - \$130.00) \$
6. () Fee for processing and retention of application (37 CFR 1.21(l) and
1.53(d) - \$130.00) \$

Total fees \$ 130.00

SMALL ENTITY STATUS

- VII. () A verified statement that this filing is by a small entity
() is attached
() a separate refund request accompanies this paper
() was filed on _____ (original)

NOTE: If an original verified statement **and** a refund request is filed within two months of the date of payment of a fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

PAYMENT OF FEES

- VIII. () Enclosed is a check in the amount of \$.
(X) Enclosed is a Credit Card Payment Form in the amount of \$130.00.
() Charge Account No. 08-2441 in the amount of \$
A duplicate of this request is attached.

05/15/2001 MNGUYEN 00000064 09720287

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130.00 0P

AUTHORIZATION TO CHARGE ADDITIONAL FEES

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

- (X) The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 08-2441.
- (X) 37 CFR 1.16 (filing fees)
 - (X) 37 CFR 1.16 (presentation of extra claims)
 - (X) 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 - () 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

Respectfully submitted,

By: 
Katherine R. Vieyra
Reg. No. 47,155

Enc. - Two (2) Credit Card Payment Forms for fees; Statement; Petition for Extension of Time; Letter and English translation of IPER; Declaration; Translation Correction

D. Peter Hochberg Co., L.P.A.
The Baker Building
1940 East 6th Street - Sixth Floor
Cleveland, Ohio 44114
(216) 771-3800

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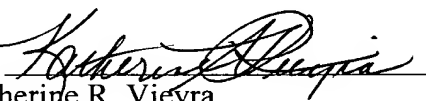
Box PCT
Commissioner for Patents
Washington, D.C. 20231

STATEMENT

Dear Sir:

I, Katherine R. Vieyra, an attorney registered in the United States Patent and Trademark Office, declare that the application mailed to the Patent and Trademark Office on December 22, 2000 is the application which the inventors executed by signing the attached Combined Declaration and Power of Attorney.

Respectfully submitted,

By: 
Katherine R. Vieyra
Reg. No. 47,155

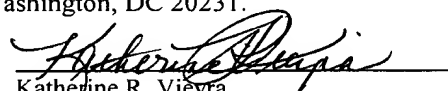
Attachments

D. PETER HOCHBERG CO., L.P.A.
1940 East 6th Street, 6th Floor
Cleveland, Ohio 44114
(216) 771-3800

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May 10, 2001
Date


Katherine R. Vieyra
(Signature of Person Mailing Papers)

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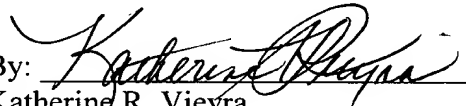
LETTER

Dear Sir:

Enclosed for filing with respect to the above-identified U.S. Patent Application is the English translation of the International Preliminary Examination Report.

Please charge any fees associated with this filing to Applicant's attorney's Deposit Account No. 08-2441. This transmittal is submitted in duplicate.

Respectfully submitted,

By: 
Katherine R. Vieyra
Reg. No. 47,155

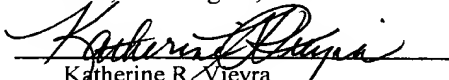
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May 10, 2001
Date


Katherine R. Vieyra
(Signature of Person Mailing Papers)

3. Applicant is

- () a small entity - verified statement:
() attached.
() previously filed with application.

4. Calculation of extension fee (37 CFR 1.17(a)(1)-(5)):

<u>Total months requested</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
() one month	\$ 110.00	\$ 55.00
(x) two months	\$ 390.00	\$195.00
() three months	\$ 890.00	\$445.00
() four months	\$1,390.00	\$695.00

Fee \$ 195.00

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- () An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request **\$.00**

5. Fee Payment

- () Attached is a check in the sum of \$
(X) Attached is a Credit Card Payment Form in the sum of **\$ 195.00**
(X) This is a request to charge any additional extension and/or fee required to Deposit Account No. 08-2441. Please **refund any overpayment to the undersigned specifically identifying our file RO0208US**. This petition is submitted in duplicate.
() Charge fee to Account No. 08-2441 and this is a request therefor and to charge for any additional extension and/or fee required or credit for any excess fee paid. A duplicate of this petition is attached.

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Adjustment date: 08/15/2001 UEDUVIJE
05/15/2001 MNGUYEN 00000064 09720287

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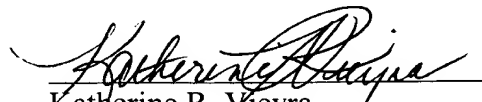
~~195.00~~ BP

D. PETER HOCHBERG CO., L.P.A.

The Baker Building
1940 East 6th Street, 6th Floor
Cleveland, Ohio 44114
(216) 771-3800

DPH/KRV/ Enclosure: Credit Card Payment Form

Respectfully submitted,


Katherine R. Vieyra
Reg. No. 47,155

08/15/2001 UEDUVIJE 00000141 082441 09720287

02 FC:116

390.00 CH

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RESPONSE to NOTICE OF DEFECTIVE TRANSLATION

Dear Sir:

The Notice of Missing Requirements mailed February 12, 2001 contained a Notice of Defective Translation which states that Claim 3 has been translated incorrectly. Applicants recognize that the punctuation of the original (German) Claim 3 is unusual in that it uses a comma instead of a decimal (0,05 instead of 0.05) and contains the abbreviation Gew. between the numeral and the percent sign (30 Gew.%). However, applicant respectfully submits that the translation of Claim 3, including from the German "von 0,05 - 30 Gew.%" to the English "from 0.05 to 30% by weight", is correct and true. Applicants respectfully request that this translation stand as corrected and that the application be accepted for prosecution.

Respectfully submitted,

By: 
Katherine R. Vieyra
Reg. No. 47,155

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